

Rationale Sheet

for

NPDES General Permit for Discharges
from
Small Municipal Separate Storm Sewer Systems
(MS4s)

Permit No. TNS000000

March 22, 2010

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I. Purpose and background

A. Purpose of this rationale sheet

This rationale sheet is intended to explain the basis for conditions of a proposed NPDES general permit to cover discharges of stormwater runoff from Phase II MS4s, including city and county-operated MS4s.

B. Phase I and Phase II EPA stormwater rules

Over the past 30 years, EPA and state water quality agencies have realized the great impact that rain water runoff has on surface waters - streams, rivers, lakes, estuary and ocean waters. Rain water falling on industries, urban areas and construction activities can become contaminated with sediments, suspended solids, nutrients phosphorous and nitrogen, metals, pesticides, organic material and floating trash. These pollutants are then carried into the surface waters. Unlike sanitary wastewater and industrial wastewater, historically most stormwater has not been treated prior to entering streams. Pollution from stormwater must be prevented at the source by reducing the volume and intensity of the runoff and/or the reduction of pollutants in the runoff.

Federal, state and local governments have passed law and regulations to address the problem of polluted runoff. Phase I EPA stormwater regulations initiated a national stormwater permitting program in 1990, that applied to industrial activities, to construction sites of five acres or more and to urban runoff from larger cities. Phase II regulations in 1999 address additional urbanized areas, certain cities with population over 10,000, and construction activities of one to five acres.

The Tennessee Department of Environment and Conservation, Division of Water Pollution Control implements the EPA [Phase I and Phase II programs in Tennessee](#).

C. Definition of Phase II MS4s

The definitions for *Municipal separate storm sewer* and *Small municipal separate storm sewer system* are consistent with EPA rules found at [40 CFR 122.26\(b\)](#) and are included in Part 7 of the permit.

D. Similarity of stormwater discharges from small MS4s

Discharges of stormwater runoff from MS4s are similar. Sources of runoff consist of construction sites, roads, municipal operations such as garages, schools, storage facilities, golf courses, etc.; residential properties; possibly commercial and industrial properties.

Likewise, the Phase II six minimum measures that communities must enact to prevent pollution of runoff are the same. These six minimum measures are required of all the Phase II communities, per the federal Phase II rule. These six minimum measures are part of the existing general permit and will be retained in the reissued general permit.

It is obvious that every city and county is different. Stormwater discharges will vary based on source areas, activities, soils, topography, weather, etc., and MS4 management programs will vary based types of activities needing regulation and attention in a given municipality, on public input, participation and priorities.

E. Applicability of a general permit

Given the similarity of discharges and necessary NPDES permit conditions, it is appropriate to regulate discharges of runoff from small MS4s via a general permit.

II. Description of discharges

As noted above, stormwater runoff from MS4s includes runoff from construction sites, roads, municipal operations such as garages, schools, storage facilities, golf courses, etc.; and residential, commercial and industrial properties.

It is important to realize that non-stormwater can be introduced into the storm sewer system. For example, illicit discharges of industrial process-related wastewater; dumping of wash water from business operations; car wash water from homes or special car wash events; parking lot wash water; spills and leaks from equipment, vehicles and storage tanks; potable water from water lines and fire hydrants. These are some common sources of contamination in storm sewers. The general permit does not authorize the discharge of non-stormwater by the MS4 into streams except for those that are determined not to be substantial contributors of pollutants. Subsection 1.3.3.2 of the permit lists the allowable non-stormwater discharges.

III. Receiving streams

The receiving streams under consideration in this permit are any waters of the state to which a regulated MS4 discharges. The definition of waters of the state is found in the Tennessee Water Quality Control Act and is included in Part 7 of the permit.

IV. Permit conditions

A. Notice of Intent

The division has developed a Notice of Intent (NOI) Form. One can find this on our web page - <http://tn.gov/environment/wpc/stormh2o/MS4II.shtml>. The NOI must include all information necessary for the division to provide coverage to MS4s under this permit. The division determined that previously permitted MS4s can submit their NOI within 90 days, while we'll allow up to 180 days for new MS4s.

B. Special Conditions

1. Discharges to Water Quality Impaired Waters

Discharge from MS4 cannot cause or contribute to impairment of state waters ([1200-4-3-.06](#)). For discharges into impaired segments, there are two scenarios – where TMDL is developed and TMDL is not developed. Where TMDL is developed, MS4s are required to demonstrate compliance with waste load allocation(s) as defined in the implementation part of the TMDL. Where TMDL is not developed, the MS4s stormwater management plan (SWMP) must include a monitoring component that assesses the effectiveness of BMPs in controlling the pollutants of concern.

2. Protection of State or Federally Listed Species

Discharges and discharge-related activities are not allowed to jeopardize existence of state or federally listed species as found in sections 7 and 9 of the Endangered Species Act. In order to evaluate effectiveness of MS4s program in this regard, three criteria for program evaluation were established. Those are:

- Presence/absence of listed species within MS4 jurisdiction;
- Consultations with US Fish and Wildlife Service and TWRA; and
- MS4 activities MS4 were already addressed in another operator's certification of eligibility.

3. Co-permittees and Coordinated Programs

This permit recognizes that adjacent urban areas may benefit from working cooperatively as co-permittees or by coordinating MS4 activities. The benefits may include, but are not limited to further protection of state waters and reduction of overhead cost of running an effective MS4 program.

C. Stormwater Management Program

The MS4 must develop, implement, and enforce a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The six minimum measures, as written by the EPA in the Phase II final rule, serve as NPDES permit conditions. These will form the backbone of the general permit requirements. Reasons for this approach include:

- i. given that each regulated MS4 is different, it would be difficult or impossible for the permit writer to specify details of BMPs and how to implement a stormwater quality management program, to a greater level of detail than the EPA six minimum measures;
- ii. the EPA rule is written in a "readable regulations" format; it is fairly easy to read and understand; and
- iii. the EPA rule has been in the public domain since December, 1999, and has been the basis for state and national training on the requirements of the Phase II programs; to use this language is to use language and requirements with which federal, state, city and county officials are familiar.

Also, this draft permit proposes deadlines for implementing certain BMPs. Newly permitted MS4 will be allotted more time for BMP implementation than previously permitted MS4s.

V. Proposed permit conditions – the six minimum measures

The [EPA rule of December, 1999](#), presents the six minimum measures at 40 CFR 122.3, as follows:

- A. Public Education and Outreach
- B. Public Participation/Involvement
- C. Illicit Discharge Detection and Elimination
- D. Construction Site Runoff Control
- E. Post-Construction Runoff Control
- F. Pollution Prevention/Good Housekeeping

A. Public Education and Outreach

EPA Guidance: You may use stormwater educational materials provided by your State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce stormwater pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. EPA recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. EPA recommends that the public education program be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, EPA recommends that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts. For example, providing information to restaurants on the impact of

grease clogging storm drains and to garages on the impact of oil discharges. You are encouraged to tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

B. Public Participation/Involvement

EPA Guidance: EPA recommends that the public be included in developing, implementing, and reviewing your stormwater management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts.

C. Illicit Discharge Detection and Elimination

EPA Guidance: EPA recommends that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. EPA recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

D. Construction Site Runoff Control

EPA Guidance: Examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance. EPA recommends that procedures for site plan review include the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. You are encouraged to provide appropriate educational and training measures for construction site operators. You may wish to require a stormwater pollution prevention plan for construction sites within your jurisdiction that discharge into your system. See Sec. 122.44(s) (NPDES permitting authorities' option to incorporate qualifying State, Tribal and local erosion and sediment control programs into NPDES permits for stormwater discharges from construction sites). Also see Sec. 122.35(b) (The NPDES permitting authority may recognize that another government entity, including the permitting authority, may be responsible for implementing one or more of the minimum measures on your behalf.)

E. Permanent Stormwater Management in New Development and Redevelopment

EPA Guidance: If water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. EPA recommends that the BMPs chosen: be appropriate for the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions. In choosing appropriate BMPs, EPA encourages you to participate in locally-based watershed planning efforts which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, EPA recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and

procedures, and enforcement procedures. In developing your program, you should consider assessing existing ordinances, policies, programs and studies that address stormwater runoff quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program. Non- structural BMPs are preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. EPA recommends that you ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance. Stormwater technologies are constantly being improved, and EPA recommends that your requirements be responsive to these changes, developments or improvements in control technologies.

In addition, this permit requires implementation of Permanent Stormwater Controls. The permittee is required to develop policies and procedures to protect receiving waters from the impacts of stormwater runoff from new and redevelopment associated with both site scale decisions and designs, as well as with neighborhood, community and watershed scale decisions and designs.

Land development directly affects watershed functions, and water quality in receiving waters. When development occurs in previously undeveloped areas, the resulting alterations to the land can dramatically change how water is transported and stored. Development creates impervious surfaces and compacted soils that increases surface runoff and decreases ground water infiltration. These changes can increase the volume and velocity of runoff, the frequency and severity of flooding, peak storm flows as well as the type, concentration, and quantity of pollutants in discharges.

As urbanization occurs, a corresponding increase in impervious surface area also occurs. These changes to the landscape cause the volumes, rates and durations of runoff-related discharges to increase, along with a corresponding increase in pollutant loadings. In addition, stream channels are destabilized due to the increased energy of the runoff that results in bank cutting, stream channel widening, channel incision and detrimental sediment mobilization and deposition. Because of these changes in runoff volumes and rates, the stream systems and waterbodies within and downstream of urbanization are commonly impaired due to sediment and nutrient loadings, increased total suspended solids, poor biotic communities, and increased stream temperatures.

Stormwater management standards have been historically written with provisions that promote or require extended detention controls, such as extended detention wet ponds, dry detention basins or constructed wetlands. There are multiple problems with extended detention as a water quality management practice. Primary to this is that receiving stream dynamics are based on balances of much more than just discharge rates. Extended detention practices are first and foremost designed to prevent downstream flooding and not to protect downstream channel stability and water quality. Water quality protection has been a secondary goal, or one omitted entirely during the design of these facilities. Over time it has become apparent through research and monitoring that these practices do not effectively protect the physical, chemical or biological integrity of our receiving waters. Furthermore, operation and maintenance of these systems to ensure they perform as designed requires a level of managerial and financial commitment that is often not provided.

There is now a large body of research demonstrating that practices that mimic the natural water cycle – processes that result in the infiltration, evapotranspiration and capture and use of stormwater – are

simultaneously advantageous for protecting the physical, chemical and biological characteristics of receiving waters. These practices are designed to mimic the way natural vegetated landscapes respond to precipitation events. When it rains or when snow melts, vegetated areas (forests, prairies and grasslands, gardens and trees) intercept, evaporate and absorb much of the rainfall. Some of the precipitation is also absorbed or infiltrated into the soil. Ideally, site designs and plans should make use of these natural systems and processes as much as possible to mimic or preserve the site hydrology, i.e., the balance of plant uptake of water, infiltration of runoff into the soil and groundwater table, and the natural runoff patterns into natural drainage ways and streams.

This permit encourages infiltration, evapotranspiration and capture and use of stormwater by prescribing iterative set of performance standards. These standards are listed below in the priority order:

- Runoff Reduction (infiltration or green infrastructure)
- Pollutant Removal
- Off-site Mitigation or Payment into Public Stormwater Project Fund.

The division determined that infiltrating the first inch of rainfall would be most protective of water quality with respect to loading of pollutants. This approach mimics most closely the pre-development hydrologic conditions. Pollutant removal would be used at those sites which can manage less than 100% of the runoff reduction. These two options are mandatory. The division recognizes that some MS4s may need to allow other options, such as off-site mitigation or payment into public stormwater project fund. The division set a 1:1.5 ratio for mitigation and/or payment upon recommendation from EPA.

VI. Codes and Ordinances Review and Update

The Water Quality Scorecard (the scorecard) is a tool that focuses on common municipal codes and ordinances provisions that can impact the effect of stormwater runoff on receiving waters. These impacts may be inadvertent; in attempts to address unrelated municipal issues, codes and ordinances frequently drive the creation of additional impervious surfaces such as large parking lots, wide roads, curbed streets, etc. The scorecard addresses a variety of issues, and provides a quantitative scale that the MS4 will use to score its policies with respect to protection of receiving waters. The purpose of the evaluation is two-fold:

- 1) to help the permittee identify policies that may be creating obstacles to comprehensive and effective stormwater management, and
- 2) to identify preferred alternatives.

The MS4s are expected to make improvements to municipal policies currently creating barriers to protection of waters of the state. However, the division's intent is not for the MS4s to ultimately achieve a 'perfect score'. The score will not be used to measure compliance with the permit; rather, for the MS4 to identify high priority areas for the community, and focus effort on those particular issues. A completed copy of the scorecard shall be submitted with the subsequent annual report.

VII. Project Plan Review, Approval and Enforcement

MS4s are required to have an ordinance or other regulatory mechanism to ensure permanent stormwater management. The division believes that this can be best accomplished by establishing procedures for project review and approval that include an enforcement component.

VIII. BMP Maintenance

To further ensure permanent stormwater management, the division is requiring that the MS4 establish maintenance agreements with owners and/or operators at sites that are subject to performance standards. All stormwater BMPs must be maintained in perpetuity.

IX. Inventory and Tracking of Management Practices

In order to make sure that BMPs are properly implemented and maintained, the division is requiring that MS4s develop a tracking system for these BMPs. The permit requires for data to be stored in electronic format so it can be readily shared with other agencies and the public.

X. Owner/Operator Inspections

In order to make sure that BMPs are properly implemented and maintained, routine and comprehensive inspections are required. Routine inspections are to be performed at an annual basis, with a purpose of confirming that BMPs are properly functioning. Comprehensive inspections should evaluate all aspects of BMP design, implementation, maintenance and effectiveness.

XI. Pollution Prevention/Good Housekeeping for Municipal Operations

The Pollution Prevention/Good Housekeeping for municipal operations minimum control measure is a key element of the small MS4 stormwater management program. This measure requires the small MS4 operator to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that: (1) collects on streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways; and (2) results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems.

While this measure is meant primarily to improve or protect receiving water quality by altering municipal or facility operations, it also can result in a cost savings for the small MS4 operator, since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused by age and neglect.

XII. Qualifying Tribe, State or Local Program (QLP)

Under CFR 122.44(s), the division can formally recognize a MS4 as a Qualified Local Program (QLP) that has been shown to meet or exceed the provisions of the construction general permit. The division is providing a QLP program that provides clear criteria, incentives and formal recognition under the [Tennessee Construction Stormwater Excellence Initiative](#).

The goal is to encourage MS4s to utilize the qualifying provision through the development of criteria, incentives and a formal “excellence” recognition and awards program

QLPs will provide for a more efficient process for managing construction stormwater by eliminating duplication of the effort between the MS4s and the division; ease the burden on construction site operators by providing them with one set of requirements to follow, not two; stronger MS4 erosion prevention and sediment control programs.

XIII. Antidegradation Review

The antidegradation policy in Tennessee Rules, Chapter 1200-4-3-.06 requires that degradation of existing water quality be prevented unless necessary for economic and social benefit. The division believes that existing water quality will not be degraded by the issuance of this permit. The stormwater discharges authorized by this permit have been on-going since the federal regulations requiring an NPDES permit were adopted. This permit will reduce the current level of pollution discharged from small MS4s. The division also expects the pollution reduction measures implemented by permitted small MS4s to offset any expansion of stormwater conveyances systems and outfalls because of the permit requirement to implement a broad range of pollution reduction measures, including measures to address impacts from new development and significant redevelopment. The permit does not set numeric discharge limits. Stormwater discharges are highly variable in nature and difficult to control due to topography, land use and weather differences (e.g., intensity and duration of storms). Through an adaptive management process, the co-permittees are required to regularly review and refine their best

management practices to reduce pollutants to the maximum extent practicable. The goal of the permit is a net reduction in pollutant loadings over the five-year permit term. Over the five-year permit term, a range of programs will be implemented and enhanced to minimize stormwater pollution discharges from existing and new residential, commercial, and industrial developments. Therefore, the issuance of this permit will protect and improve existing water quality and is consistent with the division's antidegradation policy.

XIV. Reviewing and Updating Stormwater Management Programs

The SWMP is a set of structural and nonstructural actions and activities used by the permittee to reduce the discharge of pollutants to the maximum extent practicable. Minor changes and adjustments to the various SWMP elements are expected and may be necessary to more successfully adhere to the goals and requirements of the permit. One of the purposes of this section of the permit is to specify the procedures for making changes to the SWMP. A distinction is made between adding new components and replacing (or removing) components of the SWMP.

Most changes to the SWMP are considered a part of adaptive management and do not require modification of this permit unless the division determines that the magnitude of proposed SWMP revisions substantially change the nature or scope of the SWMP.

The division does not intend to require a permit modification should the permittee(s) annex additional lands or accept the transfer of operational authority over portions of the MS4. Implementation of appropriate SWMP elements for these additions is required.

XV. Enforcement Response Plan

Permittees are required by the Phase I and Phase II regulations to include in their ordinance, or other regulatory mechanism, penalty provisions to ensure compliance with construction and industrial requirements, to require the removal of illicit discharges, and to address noncompliance with post-construction requirements. In complying with these requirements, the division requires the use of enforcement responses that vary with the type of permit violation, and escalate if violations are repeated or not corrected (recidivism reduction). The MS4 must develop and implement an enforcement response plan (ERP), which clearly describes the action to be taken for common violations associated with the construction program, industrial and commercial program, or other SWMP programs. A well-written ERP provides guidance to inspectors on the different enforcement responses available, actions to address general permit non-filers, when and how to refer violators to the State, and how to track enforcement actions.

XVI. Monitoring, Recordkeeping, and Reporting

Establishing a comprehensive monitoring and assessment program will enable the permittee to track all of the collected indicator data, compare it to the associated measurable goals and later synthesize it to make program assessments. This analysis is necessary to determine if the activities currently supported are meeting the goals/objectives of the SWMP, if the identified indicators are appropriate, and if the SWMP is effective.

Without good monitoring and assessment techniques, individual MS4s and permitting authorities cannot fully and properly determine the progress of their programs making the overall evaluation of the stormwater program impossible. All monitoring and assessment must have a specified methodology that meets the goals of the MS4 program. The division believes that it is essential to combine water quality monitoring with indicator assessments.

There are numerous factors that should be examined while setting up the water quality monitoring portion of the comprehensive program. Understanding and considering climatic conditions such as precipitation patterns, temperature, and seasonal variations will ensure the study design will collect data that are representative of typical storms in the area and that sampling occurs during times of the year when it is most logical to do so. The

type of waterbody monitored must also be considered when selecting sampling locations since pollutants behave differently depending on the environment thereby impacting sampling protocols.

XVII. Permit Issuance Procedures

A. Administration

This general permit is drafted in accordance with applicable NPDES regulations (40 CFR 122, 123, 124 and 125), the Tennessee Water Quality Control Act (§ 69-3-101 et seq.), and the Department's permit issuance regulations (Rules of the Department 1200-4-10-.01, -.02, -.03).

Permittees under this general permit will be assigned permit tracking numbers in the form, TNS0_____, where the permit is assigned a five digit number such as TNS075663 (Shelby County).

B. NPDES Procedures

The applicable regulations for issuance of this general permit are 40 CFR 122.28, 123.44 and fact sheet requirements at 124.8 and 124.56.

C. Schedule for Permit Issuance

Following are tentative dates associated with this general permit issuance process:

Public Notice: March 22, 2010

Draft permit transmittal to EPA: March 22, 2010

Public Hearings: April 26, 2010, Nashville, 1:30 pm Central Time
401 Church Street, L&C Tower, 17th Floor
Nashville, TN 37243

April 27, 2010, Chattanooga, 1:30 pm Central Time
Chattanooga State Office Building Auditorium, 1st Floor
540 McCallie Avenue, Chattanooga, TN 37402

April 28, 2010, Knoxville, 1:30 pm Eastern Time
Knoxville Environmental Field Office
3711 Middlebrook Pike, Large Conference Room
Knoxville, TN 37921

May 3, 2010, Memphis, 1:30 pm Central Time
Memphis Environmental Field Office
8383 Wolf Lake Drive, Bartlett, TN 38133

Close of comment period: May 10, 2010

Issuance Date: June 1, 2010.

D. Consideration of Comments and Permit Issuance Decisions

The Division of Water Pollution Control proposes to issue this permit with the described effluent limitations, monitoring and reporting requirements and standard conditions. These conditions are tentative and open to comment. Interested persons are invited to submit comments for consideration, by letter or at the scheduled public hearing.

Hearings will be held as noted above.

Comments should be submitted to the following address:

Division of Water Pollution Control
Attn: Vojin Janjic
6th Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-1534

and/or by e-mail to phase.two@state.tn.us